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OKLAHOMA OFFICE OF WORKFORCE DEVELOPMENT

TECHNICAL ASSISTANCE - #TA-02-2020

TO: Workforce Development Board Chairs
Workforce Development Board Staff
Workforce Development Fiscal Agents

FROM: Don Morris, Executive Director

DATE: March 19, 2020

SUBJECT: Temporary Guidance Related to the Flexibility and Innovative Uses of Layoff Aversion Funding During the Era of COVID-19

Purpose: Additional Assistance Funding Layoff aversion strategies and activities are designed to prevent, or minimize the duration of, unemployment resulting from layoffs. Issuing State guidelines designed to meet the unprecedented, unknown, and still evolving needs of workers and businesses affected by situations related to the novel coronavirus (COVID-19) requires new guidance not provided in the [Business Services Policy, OWDI #01-2020](#).

References:

- [TEGL 19-16](#) (particularly pages 26-27)
- [20 CFR 682.320](#)

Message:

Each local workforce development area, and each business and employee within it, will be affected in different ways – the Oklahoma Office of Workforce Development is committed to the following:

- Providing general guidance and examples intended to stimulate creative strategies and solutions at the State and local areas;
- Providing specific references and resources when available; and



- Reviewing requests for layoff aversion projects in a timely manner, with an open willingness to consider and explore innovative approaches to meeting your community's needs.

General Guidance and "Creative" Examples:

In addition to being designed to mitigate or minimize potential job losses, the most important aspect of a proposed layoff aversion project is that it is *intentional*. That is, that it includes a deliberate, planned strategy with expected outcomes.

When additional assistance funds are limited, priority will be given to layoff aversion projects that

- Support a local area's targeted sectors and/or industry engagement plans, and/or
- Make use of other funding sources and leveraged resources.

If a layoff aversion project is the result of the novel coronavirus (COVID-19) situation, please include the reason/cause in your project's description (see examples below).

Some examples of layoff aversion projects that use creative strategies to address COVID-19-related effects* on businesses and workers include, but are not limited to:

- A call center environment needs to have their employees work from home/remotely in order to support social distancing and limit potential exposure to COVID-19. **Layoff aversion funding could be used to purchase remote access equipment that the employee would need to use from home to support their work.**
- A business whose employees use specific software or computer applications asks their employees work from home/remotely in order to support social distancing and limit potential exposure to COVID-19. **Layoff aversion funding could be used to purchase the software/programs that the employee would need to use from home to support their work.**
- In order to support social distancing and limit potential exposure to COVID-19, a company that usually runs two shifts of workers adds a third shift, so that fewer employees are on onsite at any given time. **Layoff aversion funding could be used to offset related costs to the employer or workers.**
- A small business needs their employees to be at work, on site, but cannot afford frequent deep cleaning to help prevent potential exposure to COVID-19. **Layoff aversion funds could be used to pay for a cleaning/sanitization service.**

*Note: Layoff aversion funds can always be used to support creative approaches and strategies; other business/employee needs could be substituted for COVID-19-related language in the examples above.

As an additional note:

Oklahoma has been approved as an eligible COVID-19 disaster state through the SBA, as well as all 77 of our counties. [Visit disasterloan.sba.gov](https://disasterloan.sba.gov), click on apply online, and register.

(From [TEGL 19-16](#), emphasis added) “...the regulations require that states and local areas have the capability to conduct layoff aversion; however, it is left to the discretion of the operators of Rapid Response programs to determine which strategies and activities are applicable in a given situation, based upon specific needs, policies, and procedures within the state and operating areas. In this way the regulations permit state and local rapid response operators the flexibility to meet the requirements of WIOA based on the specific needs of the companies and workers being served and the particular characteristics of each event, while ensuring that valuable and important solutions are delivered whenever possible. We encourage state and local rapid response teams to develop strategies that maximize the ability to deploy the appropriate layoff aversion solutions for the challenges they face.)

If you have questions about potential layoff aversion projects, please contact the staff at the Oklahoma Office of Workforce Development.